

REMARKS

Applicants reply to the Office Action mailed on June 26, 2008 within three months. Claims 20 and 38-63 are pending in the application and the Examiner rejects claims 20 and 38-63. Applicants cancel claim 20 without prejudice to submitting claims with similar subject matter in this or other applications. Applicants add new claims 64-66. Support for the amendments and new claims may be found in the originally-filed specification, claims, and figures. Applicants respectfully request reconsideration of this application.

The Examiner rejects claims 20 and 38-63 under 35 U.S.C. § 103(a) as being unpatentable over Hanchett, U.S. Patent No. 5,396,429 ("Hanchett") in view of Mertens et al., U.S. Patent No. 5,767,505 ("Mertens"). Applicants respectfully disagree with these rejections but Applicants amend the claims in order to clarify the patentable aspects of the claims and to expedite prosecution. Furthermore, Applicants do not concede that Mertens is prior art with respect to this application, and Applicants reserve the right to antedate Mertens.

Independent Claims

The Examiner asserts that Hanchett discloses that a "first detector is configured to automatically hand-off the observation of the at least one object (the first detector, 38 of fig. 2, is located at a remote location) to a second detector (40 of fig. 1, located approximate [*sic*] one mile apart from the first detector) in an observation range of the at least one object (18 of fig. 1)" (Office Action, page 3). Applicants respectfully assert that this statement is inaccurate as shown by the Examiner's additional statement that Hanchett's "mobile unit is considered one object" (Office Action, page 2). It is clear that Hanchett's "image sensors" (Abstract) do not "automatically hand-off observation of the object" (Applicants' independent claim 38), which the Examiner asserts is Hanchett's mobile unit.

Rather, Hanchett discloses "[a] series of image sensors spaced along a roadway at particular intervals to provide images of the traffic . . . the image signals provided by the monitor stations represent actual images of traffic existing at the monitor stations" (Abstract; Column 3, lines 25-27). The images are then provided to a "user display unit [that] translates the image signals back into the images of the traffic" (Column 3, lines 27-29). Hanchett further discloses, "[t]he image sensor 24 of each monitor station 14 is preferably pointed in the same direction as the flow *of the traffic* being monitored . . . This makes it possible to have a sequential presentation of video images that simulates traveling the roadway" (Column 5, lines 54-59)

(emphasis added).

Thus, Hanchett's image sensors are observing traffic at a particular roadway location, and Hanchett does not indicate that "a movement module [is] configured to receive first data from a first detector, wherein the first data is associated" (Applicants' claim 38) with Hanchett's mobile units. Further, Hanchett does not need to "determine a movement vector" (Applicants' claim 38) of the monitored traffic, because the traffic must travel along the monitored roadway. For at least those reasons, Hanchett does not disclose or contemplate, alone or in combination with Mertens, "a processor configured to select the first detector based at least in part on the first observation range, wherein the processor is further configured to select a second detector based at least in part on the **movement vector** and the second observation range; wherein the first detector is configured to automatically hand-off observation **of the object to the second detector** in response to the processor selecting the second detector" as recited in independent claim 38 (emphasis added).

Furthermore, Applicants claim "a movement module configured to receive first data from a first detector, wherein the first data is associated with an object in a first observation range, wherein the movement module is further configured to determine a movement vector based at least in part on the first data and object data received from a mobile unit physically associated with the object," as recited in independent claim 38 (emphasis added), and as similarly recited in independent claims 47, 56 and 66. Hanchett, however, discloses fixed detectors that detect information associated with one object and a mobile unit that is physically associated with a **different** object. For example, Hanchett discloses "[a] series of image sensors spaced along a roadway at particular intervals to provide **images of the traffic**" (Abstract) (emphasis added). Hanchett also discloses that "user display unit 10 displays images corresponding to the image signals," (Column 3, lines 10-11), but the "user display unit" is not physically associated with the images of the traffic. Rather, Hanchett's user display unit is **physically associated with a vehicle** that may eventually travel down the roadway Hanchett's image sensors are viewing ("the effect will be that of observing the roadway coming up from behind the user's vehicle and then passing the user's vehicle. The effect might be likened to traveling the roadway at great speed to preview the traffic conditions" (Column 5, lines 61-66)). Therefore, Hanchett does not disclose or suggest "first data associated with an object . . . [and] a mobile unit physically associated with the object," as recited in independent claim 38 (emphasis added), and as similarly recited in

independent claims 47, 56 and 66.

Moreover, the Examiner acknowledges that Hanchett “does not particularly teach a GPS device for locating a movement object” (Office Action, page 3). Although Applicants’ independent claims no longer contain the specific language, “a GPS device monitoring data, associated with the movement of the at least one object,” as recited in a previous version of claim 38, Applicants wish to address the Examiner’s improper combination of Hanchett and Mertens. Mertens is not combinable with Hanchett for at least two reasons: (1) Hanchett would render Mertens inoperable for Mertens’ stated purpose; and (2) Mertens specifically teaches against Applicants’ claimed subject matter.

Mertens discloses a “system for determining toll charges . . . [that] are calculated with the aid of a device installed in the vehicle . . . Once the user fees added up in the vehicle device have reached a predetermined amount, the vehicle device makes a connection with the central point 11 via the mobile radio network” (Abstract; Column 5, lines 45-48). Hanchett, however, does not disclose that “the vehicle device makes a connection with the central point”—Hanchett’s vehicle device, rather, merely receives and displays information as discussed above. Therefore, if Mertens’ “GPS system [were incorporated] into the surveillance of Hanchett” (Office Action, page 3), as the Examiner suggests, Hanchett’s vehicle device would not be able to “make a connection with the central point,” and Hanchett would render Mertens inoperable. For at least that reason, Mertens is not combinable with Hanchett.

Mertens is also not combinable with Hanchett because Mertens (1) teaches against Applicants’ claimed subject matter, and (2) teaches against the motivation the Examiner gives for combining Mertens with Hanchett: “to accurately determine the movement [of] at least one movement object” (Office Action, page 3). Mertens discloses that “the data transmitted [from the vehicle device] to the central point . . . do not permit any conclusions regarding the details of the routes traveled [and] . . . No data regarding the distance traveled . . . need be transmitted when transmitting added-up fees via the mobile radio network. This has the advantage that *a conclusion regarding a defined route is no longer possible*” (column 2, lines 32-36; column 6, lines 20-24) (emphasis added). Therefore, Mertens teaches against Applicants’ claimed subject matter, and neither Hanchett nor Mertens, alone or in combination, disclose or contemplate, “a movement module configured to receive first data from a first detector, wherein the first data is associated with an object in a first observation range, wherein the movement module is further

configured to determine a **movement vector** based at least in part on the first data and object data received from a mobile unit” as recited in independent claim 38 (emphasis added), and as similarly recited in independent claims 47, 56 and 66. Furthermore, because under Mertens, “a conclusion regarding a defined route is no longer possible,” Mertens teaches against the Examiner’s motivation for combining Mertens with Hanchett: “to accurately determine the movement [of] at least one movement object” (Office Action, page 3). For at least that additional reason, Mertens is not combinable with Hanchett.

For at least the reasons discussed above, Applicants’ independent claims 38, 47, 56 and 66 are allowable over Hanchett, and Applicants respectfully request allowance of the independent claims.

Dependent Claims

Dependent claims 39-46, 48-55, 57-65, and 67-68 are allowable at least because they depend from independent claims that also are allowable. Dependent claims 39-46, 48-55, 57-65, and 67-68, however, are also allowable for their own unique features, some of which are discussed below.

For example, neither Hanchett nor Mertens, alone or in combination, discloses or contemplates “wherein the second detector is activated in response to an instruction from at least one of the processor or the movement module” as recited in dependent claim 40. Hanchett discloses monitor stations that constantly monitor traffic along a particular roadway. Hanchett does not disclose that the monitor stations are “activated in response to an instruction” from a processor or a movement module. Mertens does not account for this deficiency, and Applicants therefore respectfully request allowance of claim 40.

Additionally, the Examiner asserts that “the mobile unit would obviously be a truck or vehicle that has an accelerometer” (Office Action, page 5). Applicants respectfully assert that it is not obvious that any vehicle has an accelerometer, and if the Examiner is taking official notice of such, Applicants respectfully traverse the official notice and request that the Examiner cite a reference. Applicants are aware that certain vehicles have *speedometers*,¹ but Applicants assert

¹ A speedometer is defined as, “an instrument for indicating speed” (Merriam-Webster’s Online Dictionary, <http://www.merriam-webster.com/dictionary/speedometer>).

that vehicles do not obviously have *accelerometers*.² For at least that reason, Hanchett does not disclose or suggest “wherein the mobile unit comprises an accelerometer” as recited in dependent claim 42 and as similarly recited in dependent claim 50. Mertens does not account for this deficiency, and Applicants therefore respectfully request allowance of claims 42 and 50.

Furthermore, with respect to claims 55 and 63, the Examiner asserts that “Hanchett further teaches wherein the processor confirms the identity of the object by processing a visual image of the object using adaptive or neural learning software” (Office Action, page 5). The Examiner, however, does not point to anything in Hanchett or Mertens that the Examiner asserts discloses “adaptive learning software or neural learning software” as recited in claim 55 and as similarly recited in claim 63. To the extent the Examiner is taking official notice of these elements, Applicants traverse the official notice and respectfully request that the Examiner cite a reference. Applicants respectfully submit that Hanchett does not disclose or suggest “adaptive learning software or neural learning software,” and that Mertens does not account for this deficiency. Applicants therefore respectfully request allowance of claims 55 and 63.

² An accelerometer is defined as, “an instrument for measuring acceleration or for detecting and measuring vibrations” (Merriam-Webster’s Online Dictionary, <http://www.merriam-webster.com/dictionary/accelerometer>).

CONCLUSION

In view of the above remarks, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject application. The Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814.

Respectfully submitted,

Dated: _____

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